

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13746, of Colonial Parking, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue the use of a parking lot in an HR/SP-2 District at the premises 809-813 6th Street, N.W., (Square 485, Lots 10, 11, and 12).

HEARING DATE: May 12, 1982
DECISION DATE: May 12, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject lot is located on the east side of 6th Street between H and I Streets, N.W. and is known as 809-813 6th Street, N.W. It is in an SP-2 District.

2. There is a fifteen foot public alley to the rear of the property, and a ten foot public alley to the south of the property. To the north and east of the property are residential and church facilities as well as several trade organizations. To the south and west are primarily commercial uses consisting of restaurants and small shops with the exception of the Wah Luck apartment complex. The lot is approximately 1500 feet from the Judiciary Square metro station. To the west and north of the site the zoning is predominantly commercial. To the east and south of the site the zoning is SP-2.

3. This application is to continue a parking lot in an SP-2 District, under the provisions of Paragraph 4101.41. That paragraph provides in part that a "parking lot in existence on October 5, 1978 under approval by the Board of Zoning Adjustment may be permitted by the Board to continue in existence for a period not to exceed four years from the date that the present Certificate of Occupancy expires." On October 5, 1978, the subject parking lot was operating under Certificate of Occupancy No. B-101979, which expired on March 18, 1979. Continued use of the lot was approved by the Board in Application No. 12927 through March 18, 1982. In the present application, the Board may approve use of the lot only until March 18, 1983.

4. The subject parking lot is leased on a yearly basis to the District of Columbia Department of Corrections. D.C. Government vehicles and the private cars of its staff are parked on the lot. Because of the nature of the work requiring the use of the vehicles during the day, most

parking is on a short term basis. There is no commuter parking.

5. The lot provides twenty self-park spaces.

6. Access to the parking lot is from the alleys. There is no curb-cut on 6th Street. There is a fourteen foot aisle and an eighteen foot turnway from the 6th Street alley.

7. The representative of the applicant testified that he has unsuccessfully attempted to purchase additional property to the north of the subject site in order to gain enough area to develop that he has actively attempted to sell the property for the past two years to no avail and that he has considered some sort of small development but was unable to work out financing arrangements.

8. The lot is paved with an all-weather impervious surface. Concrete bumper stops are provided at the front of the lot along 6th Street. The lot is cleaned on a weekly basis.

9. Advisory Neighborhood Commission 2C made no recommendation on the application.

10. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.41 of the Zoning Regulations. The Board concludes that the parking lot use is so located and all facilities thereof are so designed that they are not likely to become objectionable to adjoining or nearby property, because of noise, traffic or other objectionable conditions. The Board further concludes that the present character and future development of the neighborhood will not be affected adversely by the use and that the subject lot provides short term parking.

The application can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map, and will not tend to affect adversely the use of neighboring property.

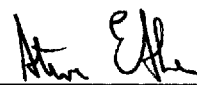
Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period terminating on March 18, 1983.
- B. All areas devoted to driveways, access lanes, and

parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

- C. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
 - D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
 - E. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
 - F. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
 - G. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.
- VOTE: 4-0 (Connie Fortune, William F. McIntosh, Walter B. Lewis and Charles R. Norris to GRANT; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: AUG 31 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.